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April 2, 2021

**VIA ECF**

The Honorable James L. Cott  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Caitlin H. Dickerson v. Customs and Border Protection*, 19 Civ. 9017 (JLC)

Dear Judge Cott:

The undersigned counsel represent Plaintiff Caitlin H. Dickerson in the above-referenced Freedom of Information Act (“FOIA”) action. On behalf of the parties, we write to provide the Court with the following status update and joint proposed schedule, pursuant to the Court’s Order dated February 22, 2021. Dkt. No. 56.

Regarding the June 30, 2020, production: following several meet and confer conferences, on March 22, 2021, Plaintiff and U.S. Customs and Border Protection (“CBP”) resolved their disagreement, referenced in the parties’ January 29 and February 19 joint status letters, regarding Plaintiff’s challenges to certain redactions in that production. The parties recognize that the Court previously endorsed the parties’ request that Plaintiff identify challenges to the June 30, 2020, production by December 15, 2020, *see* Dkt. No. 37, but in light of the parties’ recent meet-and-confer conferences, CBP has agreed to (a) review Plaintiff’s remaining challenges to redactions identified in the June 30 production (as memorialized in an April 2, 2021, email from counsel for Plaintiff to counsel for CBP); and (b) provide a *Vaughn* index and a position on the challenged redactions in the June 30 production no later than April 15, 2021.<sup>1</sup>

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<sup>1</sup> In its February 22, 2021 Minute Order, the Court required that the parties include a status update with respect to the April 7, 2020 production. Dkt. No. 56. Plaintiff will not be challenging any redactions in that production.

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Regarding the September 11, 2020, production: on March 26, 2021, CBP provided Plaintiff with a *Vaughn* index and a final position on the FOIA exemption challenges identified in that production.<sup>2</sup>

In light of these agreements, the parties jointly propose the schedule set forth below.

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- No later than April 15, 2021, CBP will provide a *Vaughn* index and its position on the FOIA exemption challenges identified by Plaintiff in the June 30, 2020 production.
- No later than April 22, 2021, Plaintiff will provide CBP with a final list of all FOIA exemption challenges for which Plaintiff intends to brief at summary judgment, based on CBP's March 26, 2021, and April 15, 2021 *Vaughn* indices.
- The parties propose the following summary-judgment briefing schedule:
  - CBP shall file a motion for summary judgment and accompanying memorandum in support thereof on or before June 14, 2021.
  - Plaintiff shall file her cross-motion for summary judgment, with a single memorandum in support of her own motion and in opposition to CBP's motion, on or before July 14, 2021.
  - CBP shall file a reply memorandum in support of its motion and in opposition to Plaintiff's motion, on or before August 4, 2021.
  - Plaintiff shall file a reply memorandum in support of her motion and in opposition to CBP's motion on or before August 25, 2021.

The parties respectfully request that the Court so-order this schedule. Plaintiff also respectfully requests that the Court so-order the stipulation set forth above concerning CBP's review of certain portions of the June 30, 2020 production; CBP has no objection to that request.

Thank you for consideration of this matter.

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<sup>2</sup> CBP is conducting an analysis to determine whether certain portions of records previously withheld in the September 11, 2020, production can be reasonably segregated and produced. By April 15, 2021, CBP will inform Plaintiff if CBP will re-produce such records.

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Respectfully,

Davis Wright Tremaine LLP

/s/ Laura Handman  
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